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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Maria Rosario Francisco, et al.,)	
)	
Plaintiffs,)	3:14-cv-8111 JWS
)	
vs.)	ORDER AND OPINION
)	
State Farm Mutual Automobile)	[Re: Motion at Docket 62]
Insurance Company, et al.,)	
)	
Defendants.)	
)	

I. MOTION PRESENTED

At docket 62 defendant State Farm Mutual Automobile Insurance Company (“State Farm”) moves for an order compelling plaintiffs Maria Rosario Francisco and Catarino Celestino Francisco (“Plaintiffs”) to respond to State Farm’s Second Set of Interrogatories and Second Set of Requests for Production of Documents. Counsel for State Farm has filed the required certificate of consultation at docket 62-1. Plaintiffs respond at docket 64. State Farm replies at docket 67. Oral argument was requested but would not assist the court.

1 **II. BACKGROUND**

2 The court has described the background giving rise to this litigation in detail in
3 the order at docket 69. Suffice it to say for present purposes that Plaintiffs are trying to
4 recover money from State Farm pursuant to an underinsured motorist clause in their
5 State Farm insurance policy in excess of the policy limit payment received from the
6 insurance company for the driver of the other auto involved in a 2008 auto accident.
7 The other driver’s policy limit was very substantially less than the amount of the default
8 judgment Plaintiff’s obtained against the other driver. Among other things, that
9 judgment includes a finding that Maria Francisco’s injuries have cost her a projected
10 income loss of \$423,800 from her tamale making business.¹ The motion at bar arises
11 from State Farm’s attempt to obtain information relating to the extent of Plaintiffs’
12 damages.
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16 **III. DISCUSSION**

17 Copies of the Second Set of Interrogatories and Second Set of Requests for
18 Admission are found at docket 62-1. State Farm contends that Plaintiffs have simply
19 not responded to these discovery requests. Plaintiffs do not deny that they have not
20 responded to the specific discovery requests. Instead, they point to an email chain of
21 communications between counsel and various items referenced therein.
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23 Plaintiffs’ communications making rather vague reference to materials available
24 is insufficient to comply with the applicable provisions of the Federal Rules of Civil
25 Procedure governing how a litigant must respond to written interrogatories. Rule 33(b)
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¹Doc. 36-1 at 11.

1 be paid to State Farm by Plaintiffs, then within 14 days from the date of this order, State
2 Farm shall file a properly supported motion for reasonable fees, and Plaintiffs shall
3 respond within 7 days after the motion is filed. No reply may be filed unless requested
4 by the court.
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6 DATED this 24th day of August 2015.
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9 /s/ JOHN W. SEDWICK
10 SENIOR UNITED STATES DISTRICT JUDGE
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